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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/797,438 | 03/10/2004 | John P. Godwin | PD-990228A | 4478 |

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PATENT DOCKET ADMINISTRATION
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| EXAMINER | |
|---|---|
| PEREZ, ANGELICA | |
| **ART UNIT** | **PAPER NUMBER** |
| 2618 | |

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| 10/18/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/797,438 | GODWIN, JOHN P. | |
| | Examiner | Art Unit | |
| | Perez M. Angelica | 2618 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *July 16, 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *39-58* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *39-58* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see communication filed, July 16, 2007, with respect to the rejection(s) of claim(s) 39-58 under 102 (e) and 103 (a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Marko et al.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 39-54 and 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (Eyer, US Patent no.: 6,160 545 A) in view of Marko et al. (Marko, US006347216B1).

Regarding claims 39, 45, 47 and 52, Eyer teaches a repeater (figure 1, item 130, where it transfer information form other sources; thus, repeater), comprising: a repeater receiver (figure 1, items 120 and 150, where it receives information form satellite 100 through transmitter 110 and from CATV 140; column 21, lines 5-7), disposed in one of a plurality of local broadcast regions within a national broadcast region (column 6, lines 59-64, where the IRD is in a local region that are within the national broadcast region), the repeater receiver for receiving a signal transmitted by a satellite including national media programs intended for reception in the national broadcast region (figure 1, item

120, receives global and local IPG data sent from satellite 100) and regional media programs (columns 6 and 8, lines 25-29 and 43-50, where the IRD receives regional media programs); a processor for filtering the signal to pass only the regional media programs intended for reception in the one of the plurality of local broadcast regions from the regional media programs (columns 6 and 8, lines 59-64 and 43-50, respectively) by comparing identifiers included in the signal against a local broadcast identifier of the terrestrial repeater (column 8 and 9, lines 43-67 and 1-10, respectively; where every IRD has a specified identifier) ;a repeater transmitter, communicatively coupled to the repeater receiver, for transmitting the passed regional media programs intended for reception in the one of the plurality of local broadcast regions (figure 1, item 110, where given a broad interpretation to the language, the repeater transmitter can be the transmitter from the satellite, which act as repeaters. In addition, the claim language does not indicate if the regional media programs refer to the filtered programs).

Eyer does not specifically teach of a terrestrial repeater.

In related art concerning a method and system for providing geographic specific services in a satellite communications network, Marko teaches of a terrestrial repeater (column 2, lines 25-45, where the repeater receives the information from the satellite and repeats geographically specific information to users).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyer's localized delivery system with Marko's terrestrial repeater in order to transmit "geographically targeted data such as local weather forecasts, news, advertisements" to users, as taught by Marko.

Regarding claims 40 and 48, Eyer and Marko teach all the imitations of claims 39 and 47, respectively. Eyer further teaches where the repeater transmitter further transmits national media programs to receivers disposed in the local broadcast region (figure 1, items 1000 and 110, where "global" programming services are transmitted. In addition, the claim language does not indicate if the transmitter is transmitting the information directly; therefore, the prior art reads on it).

Regarding claims 41 and 49, Eyer and Marko teach all the imitations of claims 39 and 47, respectively. Eyer further teaches where the processor further stores and repeats regional media programs (column 9, lines 44-62, then it displays).

Regarding claims 42, 50 and 57, Eyer and Marko teach all the imitations of claims 39, 49 and 52, respectively. Eyer further teaches where the processor further stores and retransmits regional program guide information at a repetition rate (column 16, lines 34-54, e.g., "Triple_Bundle_Repetition_Frequencies).

Regarding claims 43, 51 and 58, Eyer and Marko teach all the imitations of claims 42, 50 and 52, respectively. Eyer further teaches where the signal comprises media programs intended for reception in a second local broadcast region; and the repetition rate of the regional media programs is selected to utilize a repeater transmission capacity that would otherwise have been used to transmit the regional media programs intended for reception in the second local broadcast region (claim 17).

Regarding claim 44, Eyer and Marko teach all the imitations of claim 39. Eyer further teaches where the processor filters the signal to pass only the regional media programs intended for reception in the one of the plurality of local broadcast regions by

performing the steps of: scanning metadata of the signal for local broadcast identifiers; and comparing the local broadcast identifiers with the local broadcast identifier of the repeater (column 9, lines 1-36, where the IRD identifier is identified with the data that includes the identifier of the local region (IRD) that corresponds to it for delivery).

Regarding claim 46, Eyer and Marko teach all the imitations of claim 39. Eyer further teaches where the repeater transmitter further transmits the local broadcast identifier to receivers disposed in the local broadcast region (column 8, lines 43-63, where in order to know what data corresponds to each region an identifier is required; e.g., "region identifying data").

Regarding claim 53, Eyer and Marko teach all the imitations of claim 52. Eyer further teaches where the first signal further comprises electronic program guide (EPG) information, and where the system further comprises a receiver having an EPG data module for generating an integrated EPG having the national media programs and only the regional media programs intended for reception in the determined broadcast region (figure 4, e.g., items 400 and 405).

Regarding claim 54, Eyer and Marko teach all the imitations of claim 52. Eyer further teaches where a receiver, disposed in the local broadcast region (figure 1, where receiver 13 is in one of the local broadcast areas), the receiver comprising: a tuner module for receiving the second signal from the terrestrial repeater (figure 1, item 155 receives information form 140, which is terrestrial base), a location module, for determining the local broadcast region (figure 1, item 185).

6. Claims 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyer et al. (Eyer, US Patent no.: 6,160 545 A) in view of and Marko and further in view of Alewine et al (Alewine, US Patent No.: 6,564,143 B1).

Regarding claim 55, Eyer and Marko teach all the imitations of claim 54.

Eyer and Marko teach do not explicitly teach where the location module comprises: a global positioning system (GPS) receiver, for providing receiver position information; and a memory, for storing information relating receiver position information to the local broadcast region.

In related art concerning a method and apparatus for personalizing static an d temporal location based services, Alewine teaches where the location module comprises: a global positioning system (GPS) receiver, for providing receiver position information; and a memory, for storing information relating receiver position information to the local broadcast region (column 1, lines 30-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyer's and Marko's localized delivery system and Alewine's gps in order to provide information according to where the receiver is located, as taught by Alewine.

Regarding claim 56, Eyer and Marko teach all the imitations of claim 54.

Eyer and Marko teach do not specifically teach where the location module comprises: a radio broadcast data system (RDBS) compliant tuner for receiving information indicating the local broadcast information.

Alewine teaches where the location module comprises: a radio broadcast data system (RDBS) compliant tuner for receiving information indicating the local broadcast information (column 1, lines 30-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Eyer's and Marko's localized delivery system and Alewine's gps in order to provide information according to where the receiver is located, as taught by Alewine.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 571-272-

7885. The examiner can normally be reached on 6:00 a.m. - 1:30 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and for After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either the PAIR or Public PAIR. Status information for unpublished applications is available through the Private PAIR only. For more information about the pair system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.

Angelica Perez
Examiner

MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER

Art Unit 2618

October 13, 2007